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Letter dated 28 January 1997 from the Chargé d'affaires a.i. of the Permanent Mission of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to bring to your attention the so-called "Joint Declaration" between President S. Demirel of Turkey and the Turkish Cypriot leader, Mr. R. Denktash, issued at Ankara on 20 January 1997 and to strongly protest this latest illegal and provocative Turkish action.

The "Joint Declaration" is yet another manifestation of Turkey's continued violation of its international obligations, the provisions of the Charter of the United Nations and United Nations resolutions on Cyprus, which have been committed since the 1974 Turkish invasion and continued military occupation of 37 per cent of the territory of the Republic of Cyprus.

More specifically, the signing itself of the Declaration with Mr. Denktash, purporting to act as "the President" of the so-called "Turkish Republic of Northern Cyprus", a secessionist entity in the occupied area of Cyprus, amounts to a flagrant violation of the 1960 Treaty of Establishment of the Republic of Cyprus and the Treaty of Guarantee. It also violates Security Council resolutions 541 (1983) and 550 (1984), by which the Council deplored and condemned the secessionist entity and all other secessionist actions, declaring them illegal and invalid and called upon all States to respect the sovereignty, independence and territorial integrity of the Republic of Cyprus, not to recognize any Cypriot State other than the Republic of Cyprus and not to facilitate or in any other way assist the said secessionist entity.

The threats contained in the "Joint Declaration", including, inter alia, that if the Republic of Cyprus continued with its defense programmes Turkey would retaliate with military and political measures, amount to a direct threat to use force against the Republic of Cyprus in violation of Article 2, paragraphs 4 and 7, and Article 51 of the Charter of the United Nations.

The Republic of Cyprus is a sovereign State and a Member of the United Nations and it has the inalienable right to defend itself and the freedom to decide on its armaments.

The position entertained in paragraphs 8 and 9 of the "Joint Declaration" that the Republic of Cyprus is not a legal entity is yet another manifestation of the total disregard by Turkey of the numerous Security Council resolutions which call upon all States to respect the sovereignty, independence and territorial integrity of the Republic of Cyprus.

The assertion that the Republic of Cyprus is not entitled to apply for membership with the European Union and proceed with the accession negotiations is legally unfounded and totally outside the letter and the spirit of the international treaties of 1960.

In any way Turkey is estopped from relying on the said treaties, which it has been grossly violating since 1974.

The position entertained in the "Joint Declaration" that the achievement of a just and lasting settlement will not be in reach so long as, inter alia, the "sovereign rights of the Turkish Cypriot people are not recognized" stands in blatant violation of the above-mentioned treaties and the Security Council resolutions on Cyprus, in particular paragraph 2 of Security Council resolution 939 (1994), by which the Council reaffirmed its position that "a Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions in a bicommunal and bizonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession".

It should also be pointed out that any action taken by Turkey within the context of paragraph 13 of the said "Declaration" in an attempt to promote the illegal entity in the Turkish occupied area, would amount to a violation of the Security Council resolutions on Cyprus, in particular resolutions 541 (1983) and 550 (1984).

With regard to the assertion that economic relations between Turkey and the so-called "Turkish Republic of Northern Cyprus" will be expanded within the framework of the comprehensive "Economic Protocol" signed on 3 January 1997 between Turkey and the so-called "Turkish Republic of Northern Cyprus", the Government of Cyprus wishes to reiterate its position that such agreements are void ab initio, as they contravene the said resolutions on Cyprus, as well as the provisions of the Charter of the United Nations.

With regard to the position put forward in the "Joint Declaration" that the failure to reach a solution to the Cyprus problem is due to the intransigence of the Greek Cypriot side, the Government of Cyprus wishes to refer to the statement of the then Secretary-General, contained in his report to the Security Council of 30 May 1994 (S/1994/629), that the absence of progress is due to the lack of political will on the Turkish Cypriot side.

On the contrary, the Government of Cyprus once again expresses its sincere wish that a just and viable solution to the Cyprus problem, based on United Nations resolutions, is reached as soon as possible.

In conclusion, the Government of the Republic of Cyprus wishes to reiterate its position that the said "Joint Declaration" and the provisions contained therein are legally invalid and of no effect whatsoever.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 58, and of the Security Council.

(Signed) J. C. DROUSHIOTIS
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